

[22nd March 1923]

Grant XXXIII—cont.

The hon. Mr. A. R. KNAPP:—"I have tried to explain that the police would be there in any case. The hon. Member opposite has to my mind quite rightly said that if we are to have the police it is fair that the villagers who are to a certain extent responsible for not having the business finished should contribute. It is not to be supposed that the levying of such a tax from the villagers is going to reduce them to beggary. We understand just as well as my hon. friend that it is impossible to suppose that the people can pay any very substantial portion of the cost of maintaining the police. We may leave it to Mr. Huggins to see that such contributions towards the cost of the police as may be levied are not vindictive or oppressive but merely such as will suffice to bring the people to what I maintain is the proper frame of mind. If any one will give me any other practical method of managing this affair, I should be delighted to adopt it. And if they would help us to catch the people, I would willingly withdraw the police. But no other alternative has been suggested. Hon. Members tell us that the Agency people are very simple minded, and I maintain that this method of reminding them of their duties is a simple-minded remedy. It is not a question of these people being coerced by the fituridars. What we do object to is that even after the fituridars have passed a certain village, even when the villagers have seen the gang, they will never tell us until perhaps one or two days afterwards when the information is no use to the authorities. I do not think any reason has been shown for the hon. Members of this House to be alarmed at the suggestion of stationing a punitive police in the way in which I have just now described. I therefore hope that the demand will be granted."

The motion was put and lost.

The demand for the supplementary grant was then put and carried and the grant made.

IV

THE MADRAS HINDU RELIGIOUS ENDOWMENTS BILL, 1922.

The hon. the RAJA OF PANAGAL:—"Sir, I beg to present the Report * of the Select Committee on the Madras Hindu Religious Endowments Bill of 1922 and move that the Bill as amended by the Select Committee be taken into consideration. Sir, the Bill has been published in the Gazette and copies of the same circulated to hon. Members of this House. To meet the criticisms offered from various quarters, considerable changes have been introduced in the Bill and on account of these changes the Bill has taken a somewhat altered shape. Accordingly, the Bill was republished in the Gazette in English and the chief languages of the Presidency. The reasons for these changes have been explained in the report and it is therefore unnecessary for me to detain the House at this stage with any lengthy explanation."

The hon. Rai Bahadur K. VENKATAREDDI NAYUDU seconded the motion.

Rai Bahadur T. M. NARASIMHACHARI:—"Sir, I wish to take a technical objection to the introduction of this Bill. In the original Bill that was introduced, the Preamble stated as follows :

Whereas the previous sanction of the Governor-General has been obtained to the passing of this Act . . .

* Vide page 59, Part IV of the Fort St. George Gazette, dated 6th March 1923.

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In the Bill as amended by the Select Committee, the same wording is adopted in the Preamble. I wish to know whether the further sanction of the Governor-General has been obtained for the Bill as amended by the Select Committee. The provision with reference to the constitution of the Board of Commissioners was not originally made in the Bill; it appears for the first time in the amended Bill. Provision is also made for the imposition of taxes under Clause 77 of the amended Bill. No doubt there are several other alterations made in the Bill; but I think that the two provisions, namely, the constitution of a Board of Commissioners with large administrative, executive and judicial powers, and the imposition of taxes are so radical that the further sanction of the Governor-General is necessary for the introduction of this Bill as amended by the Select Committee.

“I also wish to point out to the House that the original Bill had only 45 Clauses, but the present Bill contains 79 Clauses and most of them embody new provisions, though they are of minor importance except in the case of those I have mentioned already. I also wish to draw the attention of the House to another important amendment, namely, the provision for the contribution by the religious institutions of $1\frac{1}{2}$ per cent to the Board and another $1\frac{1}{2}$ per cent to the Committee. The religious institutions were hitherto contributing nothing to the Board and the Board was never contemplated in the original Bill. I, therefore, wish to know whether previous sanction has been obtained for the introduction of the Bill as amended by the Select Committee; if not, I take exception to the introduction of the Bill.”

The hon. Mr. C. P. RAMASWAMI AYYAR:—“Sir, I am indebted to my hon. friend, Mr. Narasimhacharlu, for having brought this point to the notice of the House. I may at once tell the House that recognizing that certain large changes were effected by the Select Committee, the Government of India were addressed on 23rd February 1923 to accord sanction for the new provisions adverted to by my hon. friend.

“It may be remembered that in G.O. No. 149, dated 18th July 1921, the Government have laid down that, if after the introduction of a Bill certain new provisions are introduced and the discussion of the Bill is proceeded with before the receipt of further sanction from the Governor-General, the Local Government shall cause the attention of the House to be drawn to the fact that such report for further sanction has been applied for and that sanction is awaited. It is now the intention of the Government to draw the attention of the House to the fact that the Local Government have applied for sanction in their letter referred to above.

“I also wish to point out that Section 80-A of the Government of India Act says:

Provided that an Act or a provision of an Act made by a local legislature and subsequently assented to by the Governor-General in pursuance of this Act, shall not be deemed invalid by reason only of its requiring the previous sanction of the Governor-General under this Act.

It was with reference to the above proviso, and having regard to the desire on the part of the Government to obtain the previous sanction that a letter was addressed to the Government of India on 23rd February 1923 seeking their sanction for the introduction of this Bill. The House will observe that there has been no delay on the part of this Government.”

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Rai Bahadur T. M. NARASIMHACHARLU :—" My point of order is that this Bill shall not be proceeded with until the receipt of the further sanction of the Governor-General."

The hon. the PRESIDENT :—" I overrule that objection, and allow the Bill to be proceeded with."

Rao Sahib U. RAMA RAO :—" Sir, I beg to move—

That the consideration of the Madras Hindu Religious Endowments Bill, 1922, be adjourned for at least three months."

The hon. the PRESIDENT :—" The motion is not specific. It simply says that the consideration of the Bill be adjourned for *at least* three months. I therefore rule it out of order."

Sriman SASIBHUSHAN RATH Mahasayo :—" Sir, I beg to move—

That the consideration of the Madras Hindu Religious Endowments Bill, 1922, be adjourned till the Council meets in July next."

The hon. the RAJA OF PANAGAL :—" The Council is not likely to meet in July next."

The hon. Sir CHARLES TODHUNTER :—" I rise to a point of order. You, Sir, ruled the last amendment as out of order owing to its indefiniteness. The present motion is to adjourn the consideration of the Bill to a meeting which is not yet fixed. Is not this also an indefinite motion?"

The hon. the PRESIDENT :—" I do not think this motion is indefinite."

Sriman SASIBHUSHAN RATH Mahasayo :—" Sir, the reasons for my making this motion are manifold. In the first place, the original Bill has been radically altered by the Select Committee. Secondly, the way in which this Bill is being rushed through the Council is objectionable. It has not been published in Oriya, which the Government has recognized as one of the chief languages of the Presidency. In this Presidency there are a million Kanarese-speaking people and the Government have thought it fit to publish the Select Committee Report in that language while they have not thought it fit to publish it in Oriya which is the language spoken by over two millions of people. I would not have cared for the omission to publish the Bill in Oriya but for the fact that there are a number of temples and mutts in the Ganjam district. Their income is something like 20 to 25 lakhs annually and they are adversely affected by this Bill. No opportunity has been given to the Oriya speaking population of this Presidency to know what is going on in this Council. I also wish to bring to the notice of this House that the interval between the publication of the Select Committee Report and the discussion is too short. The people have had no opportunity of deciding whether they are to accept the provisions of the Bill or to suggest amendments to them."

" For these reasons, Sir, and especially on the ground that the Bill has not been published in one of the chief vernaculars of the Presidency, I propose that its consideration be deferred till the Council meets in July."

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Rao Bahadur Dr. C. B. RAMA RAO:—" Mr. President, Sir, I beg to move the following:—

That the consideration of the Madras Hindu Religious Endowments Bill, 1922, be deferred to a period three months hence.

Sir, it is not with a view to place any obstacles on the way of the hon. the Minister for Local Self-Government that I bring this motion; on the other hand, I am very anxious that the course of this Bill should be smooth and uneventful. But somehow there is a presentiment in me, Sir, that there might be some difficulties in the working of this Bill. I am not a lawyer, but still I have been speaking about this Bill to a number of lawyers and they have told me that it bristles with many difficulties, that it aims at upsetting many long-standing privileges and that it is likely to evoke much bad blood. I will be the last person to see that anything emanating from this Council should be viewed with disfavour by the people outside, or be thought that it is undermining their safety or well-being. Religion is a very difficult and thorny ground on which none would like to tread and the Englishmen have so far wisely refrained from trespassing on it. In these days when what Hinduism is cannot properly be defined, when what a Hindu is is a matter of very great difficulty to ascertain, when there are many who are born in the Hindu religion but who, at the same time, have no respect for the Hindu religion as such, and when there are caste and internal differences springing up, a Bill embracing the whole field of Hindu religion is one which is bound to meet with a lot of opposition and trouble in its working. There are many other considerations also, Sir, of a similar nature which make me rather anxious that such a Bill should be well thought out and that every community should be offered a reasonable amount of time to discuss the *pros* and *cons* of it before it is passed into an Act.

"For these few reasons, Sir, I beg to make the motion that I have tabled."

*Rao Sahib U. RAMA RAO:—" Mr. President, the Bill revised by the Select Committee has been so materially altered both in substance and in drafting that it is of the utmost importance that sufficient time must be allowed to the public to express their opinion on the new provisions. Even in the Select Committee the new provisions had not that careful and deliberate consideration which they deserved and the report is not unanimous. The creation of the Central Board of Charity Commissioners to sit in judgment over the local committees is a fundamental change in the original Bill and it has already created a feeling of alarm and consternation throughout the Presidency. This constitution of the Central Board has given rise to entirely new problems with regard to the financing of the scheme of control; and there are many other points of material importance which are very difficult to solve in the short time we have had at our disposal between the publication of the Select Committee's Report and the introduction of the Bill in the legislature. Further, it has not been published in all the vernaculars of the Presidency. We have no accurate data available at present with regard to the resources of the several endowments, and all the suggestions put forward till now are based upon surmises and possibilities. There is every room for doubt whether the 3 per cent proposed to be raised from the income of endowments will be sufficient to maintain such a costly agency as the one contemplated by the Bill.

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"The cry is raised everywhere that the new agency of control is more objectionable than the provisions in the original Bill. It is not to be forgotten that the Board is not merely an administrative body, but it is also vested with judicial powers which are final in many matters. An attempt is made in the Bill to successfully oust the authority of the established courts of law to which the public are accustomed to resort for settling their disputes. When the District Courts can tackle the question of abuses most effectively with the experience of local conditions, and at less cost to the parties concerned, the Bill proposes to drag the litigants to Madras, with all their paraphernalia of witnesses, and bundles of records, and make them squander their money in expensive train fare and other things, besides causing them a great amount of inconvenience and worry.

"In spite of so much of protest that was raised throughout the length and breadth of the country against the inclusion of *mutts* in the original Bill, the report of the Select Committee has not excluded them from the operations of the modified Bill. The *mutts* are holy institutions presided over by *sanyasins* who are the exponents of one or other of the numerous tenets of the Hindu religion. Moreover, there are many questions of law to be decided before any foreign agency can exercise control over the funds of *mutts*. There is a great misconception that the *Matadhipathi* is also, like the heads of other endowments, a mere trustee. 27 Madras, 435 says that the head of a *mutt* is not a trustee, but a life tenant. To make the heads of *mutts*, *gurus* of a section of the public who are held in great esteem, subservient to another agency is to humiliate them in the eyes of their disciples and also of the general public. The Queen's Proclamation clearly lays down :

We shall abstain from all interference with the religious beliefs or worships of any of our subjects

and it is upon this solemn declaration that the mutual relations between the subject and the Crown stand. The Bill, if passed into law, would be a direct violation of the Queen's Proclamation, and subversive of all ancient usages, customs and rights of Hindus.

"There are many other questions of paramount importance in the scope and nature of the Bill, such as the provisions relating to the application of surplus funds, which are capable of alteration in the light of public criticism. The recommendations of the Select Committee were published in the Press only as late as March 8th, and sufficient time has not yet elapsed for public opinion to mature and give expression to the solution of intricate problems connected with the Bill. Further, this is not a matter of such grave public importance as to justify it to be hurried through the legislature. The abuses that were being perpetrated in the religious endowments for the last fifty years will not in any way be materially worsened, by allowing some more time to elapse, until at least opinion is clearly expressed on the various issues connected with the Bill. Further, there has been no demand from the parties themselves for the introduction of such a Bill. A grave responsibility lies on this Legislature if they allow the Bill to be rushed through the Council. The cry of religion in danger is raised in every quarter, and, in this case, not without grounds; and the acceptance of the Bill may lead to consequences which we cannot foresee. We may be paving the ground for a storm of agitation and protest, unparalleled in the annals of British Rule in India.

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"Further, what is the hurry to rush this Bill through the Council? Is the party in power afraid that if they let go this opportunity, they will have no other occasion to introduce this Bill? If so, I can assure the hon. the Minister that a time will certainly come, and that shortly, when he may introduce it. Let the party wait. The next election is not far off. Let the election be fought out on this issue and if they succeed in getting a mandate from the country to that effect, let them introduce the Bill. With these few words, I support the motion for the adjournment of the consideration of this Bill."

Mr. R. SRINIVASA AYYANGAR:—"Mr. President, the motion standing against my name and which I beg leave to move runs as follows:—

That the discussion of the Madras Hindu Religious Endowments Bill, 1922, be adjourned to the first meeting in the next session of the Legislative Council.

As I do not think that at this stage it is necessary for me to enter into any detailed criticism of a constructive character on the various provisions of the Bill, I shall confine myself to a few remarks of a general character which bear on the question which is immediately before the House for consideration. I shall submit for the consideration of the House a few facts which, I hope, will incline hon. Members to take the view which I wish them to take, viz., that there is hardly any necessity to rush the Bill through at this stage.

"Sixty years have rolled by since Act XX of 1863 was placed on the Statute Book. So far as the Select Committee's report and the amended Bill are concerned, we had copies of them only on the 12th after we came here to the Council meeting; and last Sunday, when I was in my constituency and when I wanted to gauge public opinion, most of my lawyer friends and laymen found themselves unable to help me with any suggestions owing to the fact that either they had not a copy before them, or they had not had sufficient time before them to focus their attention on a proper consideration of the Bill. Hon. Members of this House may be fully aware of the fact that, while this House was flooded with criticisms of a detailed character on the original Bill, the criticisms on this altered Bill, as it has emerged from the Select Committee, have not been numerous. Far from that being invoked as an argument in favour of rushing the Bill through, I would venture to submit that that is a fact which entirely lends support to the position which I ask the House to take up. The paucity of criticism on the Bill as it has emerged out of the Select Committee is not due to any unanimous support which the amended Bill has received at the hands of the public, it is not due to any sense of appreciation or approbation on their part regarding the various provisions of the Bill, which seem to me to be far more drastic than the provisions of the original Bill, but it is mainly due to the ignorance that pervades the community as a whole by reason of want of proper facilities having been afforded to them. It is from this aspect and from this view that the absence of criticisms ought to be viewed. Moreover, in a matter like this touching vitally the religious feelings of the community, one is tempted to sound a note of warning that it is incumbent upon us to proceed with caution. The measure before us deeply affects our religious feelings and it is fraught with serious possibilities. The people have had no sufficient time before them, and there is absolutely no reason why we cannot

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afford to wait for three or four months more and thereby enable the public to help us with their criticisms. Probably, the hon. the Minister, or somebody else from the Treasury Bench may confront us by saying that as many as 1,300 amendments have been received and that is a reason why we could get on with the Bill. So far as the amendments are concerned, some of them have been sent up by hon. Members out of their personal view of the provisions of the Bill without receiving any extraneous assistance, or deriving any material support from their constituency. In a matter like this, when we, the representatives of the people, are called upon to give our assent to a legislation which affects vitally and fundamentally the interests of the people, it is the people's voice that should prevail, the people's voice as reflected in this Council through their representatives. A cycle of 60 years has already passed and I do not think there will be any harm in waiting for another three months. Therefore I appeal to hon. Members opposite to give their assent to the motion before the House."

Sriman BISWANATH DAS Mahasaya :—" Sir, I beg to move the following:—

That the discussion of the Madras Religious Endowments Bill, 1922, be adjourned to the first meeting in the next session of the Legislative Council.

Sir, I take this opportunity for thanking the hon. the Minister for Local Self-Government for introducing this Bill; but I do not quite agree with him in his attempt to rush the Bill through the House with all haste. The Legislative Council is a deliberative body and in a matter like this it should have sufficient time and sufficient material for coming to any conclusion, because its conclusions are important and binding on the executive. The hon. the Minister for Local Self-Government has placed all the materials before us; some of them we got to-day and some we got only a few days back, and the hon. Members of this House had hardly the time to go through these details minutely, as they were busy with the Budget. The hon. the Minister was kind enough to tell the House that the Select Committee had altered the Bill; but I should rather think that the Bill has been thoroughly changed in most of its important aspects. I for one do not like to discuss the necessity of taking the permission of the Government of India or any such thing; but what I would request is that sufficient time should be given to the people and to hon. Members of this House to think over the question very deeply. Then, Sir, the hon. the Minister was kind enough also to say that the Bill was translated into all the principal languages of this Presidency. I think the Minister has done a wrong to my community, Sir, a wrong to the Oriya language, by saying that he has translated the report of the Select Committee into all the principal languages—if we look at the census report we shall find that the Oriyas come to a fourth in the Presidency in point of numerical strength.

"The hon. the Minister was kind enough to publish the Bill and the report of the Select Committee in Kanarese, a language
12-45 p.m. which is spoken by fewer people than the Oriya language.

Further the Oriya country is studded with mutts and temples. A great author has remarked that the country is a country of temples and tabernacles. In these circumstances this House will not be justified in shutting off its gates to the claims of a community which has the misfortune to be represented by

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only few members. Therefore, Sir, I move the motion standing against my name."

Rai Bahadur T. M. NARASIMHACHARLU :—" I beg to move—

That the consideration of the Madras Hindu Religious Endowments Bill, 1922, posted to 22nd instant, be adjourned to a day six months from that date.

In doing so, I submit that I am not behind any other in my respect and affection for the hon. the Chief Minister, because, firstly, he was my classmate and I had always a high admiration for his calmness, dignity and consideration for any subject that was placed before him even in his college days, and, secondly, because he has persevered in that dignity and calmness, as is evident from his conduct in this Council, for the last two and a half years. Therefore, Sir, if I rise to tender this motion for adjournment it is not with a view to thwart him in the attempt to do a good thing to the country. Rather, it is in the interest of the very party in power which is believing that it is doing some good to the country that I request that party not to hurry even with a good thing lest it might be misconstrued by the people at large. It is with that view that I tabled this motion for adjournment. From what has already taken place, the evil of hurried legislation can be seen. The Bill that was first introduced into this House was not before the public for a long time before it was actually introduced. It was before the public only for about two weeks. Now, Sir, I would ask: Does the Bill that has been sent up by the Select Committee to this Council bear any resemblance to the original Bill that was introduced into this Council? This shows that in the shortness of time which the Select Committee had to deliberate over this Bill they found many defects, many omissions and many commissions which they thought should not be in the Bill.

" Now, this Bill was first published in the *Fort St. George Gazette* on the 6th instant in English and the copies were placed in our hands only about the 10th or the 11th, and it was published in the chief vernaculars only in the last week's gazette, i.e., on the 13th. The people are mostly versed only in the vernaculars, and they must get copies of these gazettes; they must go through them and they must understand what the provisions are which have been introduced into the revised Bill by the Select Committee. I ask, Sir, whether a fair time has been given to the public to consider this question and to formulate their grievances and instruct their representatives in the Council as to what they should do? I submit that sufficient time has not been given at all and that is the reason why this motion has been tabled. Let us see what the majority of the Select Committee have done. The original Bill has been elaborated and added to considerably, so much so that the usual practice of putting in the amendments in bold types could not be followed in this case. Then there are very many views and provisions which are very extraordinary and which, in my opinion, require to be notified and published so that the people may consider and formulate what they like in this matter. For instance the views that have been expressed about the *maths* in paragraphs 5 and 6 of the majority report are very extraordinary. Similarly, a new class of temples which was not in the original Bill, viz., excepted temples, has been introduced. Similarly, a Board of Commissioners to guide, control and co-operate with the Committees and to deal directly with the *maths* and excepted temples has been constituted. This is essentially

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an administrative body, but it is given judicial powers to inquire into and hear appeals. Again, Sir, the Government have substituted their own audit for private audit, which was originally existing in the original Bill. The Madras City has been included now. Regulation VII of 1817 is now sought to be repealed; it was not sought to be so done in the original Bill. The old definitions are now gone and new terms such as *maths*, temples, etc., are newly defined. We find, Sir, with reference to the constitution of the Board and the Committee, very many changes.

"Then, with reference to the religious endowments in general, certain registers are sought to be kept and it may be noticed that a course that will be resented by every self-respecting head of a *math* is suggested, viz., that the Board of Commissioners is to give directions to them and to give orders. The heads of *maths* are to be controlled in such a way as to compel them to keep and render accounts. Those that have no knowledge as to what the attitude of *sisya* and *guru* is, may not realize the magnitude of the gravity of this provision. This means that a lay Board should direct and issue orders to the spiritual heads of institutions who are held in the greatest veneration and who are not called upon to account for what they have done either in this world or in the next world. I say, these provisions are quite new, and the experience of the heads of the *maths* will be quite new hereafter. In view of the sentiments of the people, I submit that this experience will be very revolting to them and to the heads of the *maths*.

"Then, Sir, there is much alteration in the power of the trustee, hereditary as well as non-hereditary; there are changes in the power of the Board to settle schemes; there are changes in the application of the endowment funds; and there are changes in the application of the Civil Procedure Code in regard to the power of the Advocate-General in the matter of suits. There are also changes in regard to court-fees and electoral qualifications. All these are provisions about which considerable modifications and additions have been made in the new Bill. Well, Sir, does this not entitle the public at large to say that they want more time to consider the new Bill? I have already said that it is not the object of my motion to thwart the Bill, and that it is intended only to request the hon. the Minister to postpone the consideration of this Bill by six months, so that people may know where they are and how they will be affected, and shape their conduct accordingly.

"Again, Sir, so far as this Council is concerned, we are just given copies of the several amendments that have been proposed to this Bill. Only to-day at 11 o'clock they were placed in our hands. I find that they consist of more than 600 amendments. Though I have myself given notice of certain amendments, I must know what is the nature of the amendments that have been suggested by the other Members of this Council. Moreover, Sir, we require sometime to give notice of amendments to some of the amendments, if necessary. Where is the time for all this? Why should there be any hurry in passing this legislation which affects the Hindu religion? On this subject I would request the party in power to be very careful, more careful than even the British Government. The British Government have professed neutrality till now and you having come into power wish to take up a subject in which certainly there are certain abuses which you wish to rectify. So much for your advantage and so much has to be said to your credit. But let it be done calmly, quietly and in a dignified manner, so that it may be

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said that you have done this thing for the everlasting good of the country and not that you have done it in a hurry—a hurry in which you have done more harm than good. With these few words, I move this motion."

Mr. K. PRABHAKARAN TAMPAN:—"Sir, the motion that stands in my name runs thus:

That the consideration of the Madras Hindu Religious Endowments Bill, 1922, be adjourned to the next session of the Legislative Council.

Sir, my chief reason for the postponement of this motion is that this Bill has not been published in Malayalam in due time."

The hon. the RAJA OF PANAGAL:—"It has been published in Malayalam, Sir."

Mr. K. PRABHAKARAN TAMPAN:—"Not in due time, Sir."

The hon. the RAJA OF PANAGAL:—"There is no time-limit prescribed, Sir."

Mr. K. PRABHAKARAN TAMPAN:—"Sir, in Malabar, almost every gentleman is a trustee of some temple or other. My constituency consists of 210 voters who are trustees of temples. In this connexion, I may be permitted to inform the House that at a meeting held at Pattambi it was resolved to request this House to adjourn this motion for the consideration of the Bill.

"Sir, there is one aspect of the question to which I want to draw the attention of the House, and that is, it is for the first time in the history of Malabar that the religious endowments are sought to be managed by the Government. The previous laws on the subject, viz., Act VII of 1817, etc., did not apply to Malabar. As this is the first occasion when these endowments are interfered with, it is desirable that the people whom it affects should be given an opportunity for discussing it in detail. I appeal to the hon. the Minister to consider this point and postpone consideration of this Bill till the next session. I may also say that I have not the least objection for taking it up in July, and if there is no time in July, the Local Boards Bill may be postponed and this may be taken up. With these few words I commend my motion for the acceptance of the House."

The hon. the RAJA OF PANAGAL:—"Mr. President, Sir, I have waited in vain to be enlightened as to the correctness of the position taken up by the hon. Members opposite in moving for an adjournment. They have argued at length, but, Sir, all the same I remain as unconvinced as I had been before. The two hon. Members from Ganjam objected to the consideration of the Bill and asked for adjournment on the ground that the Bill was not published in the Oriya language. My reply is that publication in Oriya is not obligatory and that most of the Bills have not been published in that language. The original Bill in this case was not published in Oriya."

Sriman SASIBHUSHAN RATH Mahasaya:—"I wish to know which Bill has not been published. Every other Bill that was passed by the Government was published in Oriya and this is the only instance where it has not been so published."

The hon. the RAJA OF PANAGAL:—"I shall furnish him with that information later. Anyhow, Oriya is not a chief vernacular of the province."

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Sriman SASIBHUSHAN RATH Mahasayo :—" I take exception to that statement. Government have said in the past that Oriya is a chief vernacular of the Presidency. The hon. the Raja of Panagal in his days of public life had said in so many words that Oriya was a chief language of the Presidency and that it should be given that recognition. I would refer him to a certain speech he made in which he said like that. Perhaps he has now changed his views."

The hon. the **RAJA OF PANAGAL** :—" I did not in the least suggest any reflection on the linguistic merits of the language. But I say, taking into consideration the population who speak Oriya language, that that language cannot be considered as a chief language in the sense that Tamil or Telugu is."

Sriman BISWANATH DAS Mahasayo :—" Is it justifiable that in such an important measure as this the Bill should not be published in the Oriya language, even though some minor Bills were not published in that language in the past ?"

The hon. the **RAJA OF PANAGAL** :—" Sir, I have already answered that question. I do say that the circumstance that this Bill has not been published in Oriya cannot be a sufficient reason for the adjournment of the Bill."

" My hon. friends from Ganjam, and Messrs. C. B. Rama Rao and U. Rama Rao, objected to the consideration of the Bill on the ground that the Reformed Government was interfering with the religious institutions of the Hindus. They referred to the proclamation of the Great Queen, and said that that proclamation insisted on strict religious neutrality. But the position of the Government now has considerably changed from what it had been during the Queen's time. Now, religious endowments form the portfolio of a responsible Minister, and for any action taken by the Minister in regard to them he is answerable to the Legislative Council consisting mainly of Hindu Members. Mr. R. Srinivasa Ayyangar said that apparently there was no demand for the Bill."

Mr. R. SRINIVASA AYYANGAR :—" I never said that there was no demand for the Bill."

The hon. the **RAJA OF PANAGAL** :—" Then, what is your objection to the motion ?"

Mr. R. SRINIVASA AYYANGAR :—" I have already stated it at length."

The hon. the **RAJA OF PANAGAL** :—" Another gentleman, Mr. Prabhakaran Tampan, objected to the consideration of the Bill, because it was not published in Malayalam. As a matter of fact, it was published in Malayalam, and when this was pointed out, he said that it was not done so in time. He also referred to the fact that the Act of 1863 and the Regulation of 1817 are not applicable to Malabar. But what about sections 92 and 93 of the Civil Procedure Code? They are applicable to Malabar. Sir, so far as I am able to gather, the hon. Members in favour of the adjournment have not made out a case for the adjournment of the Bill. If I should accede to the demand for adjournment, what would follow? The hon. Members themselves say that elections will come off before the Bill is again taken up for consideration. If the elections were to intervene during the pendency of the Bill, I am afraid those who are reported to be not very scrupulous as to

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how they use trust funds would have an opportunity to try to tamper with the electorates, and the result would be disastrous to the interests of the unfortunate institutions. Therefore, it is that I think it would be inexpedient to have the consideration of the Bill adjourned."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" One of the motions for the adjournment of the Bill states that the consideration of the Bill be postponed till the Council meets in July, and another, that it should be put off, if not to July, at least to the first meeting of the next session of the Legislative Council. I am sorry to notice that the hon. the Minister in charge of the Bill has not been in a position to appreciate the reasons put forward for the postponement of this Bill. The last argument suggested by him is somewhat disappointing. He suggests that, if this Bill is postponed in view of the coming elections, those who are affected by this Bill, such as the landlords, the trustees of temples, and *matadhipatis*, will tamper with the elections and that therefore on political reasons he cannot agree for postponing the consideration of this Bill. I have greater faith in the good sense of the electors than my hon. friend has. I am quite certain that the electorate, consisting as it does not merely of trustees of temples, office holders, etc., but also of various persons who are equally interested in the management of such temples, should be given an opportunity to say whether they would accept this Bill or not; and the hon. the Minister must accept their decision as the correct thing. That is the main feature of the democratic institution in which we are working."

The hon. the RAJA OF PANAGAL :—" A word of personal explanation, Sir. My only observation was that, if we allowed this Bill to be adjourned at this stage, those who had been abusing the trust funds would be tempted to utilize this opportunity to try to tamper with the elections."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" On behalf of the electorate, I may say that the people are wise enough not to be tempted, not to fall, or be snared into the hands of those who are likely to tempt them. I have a great faith that this democracy, consisting of millions of people, will guard itself against the influence of *matadhipatis*, landlords, or trustees of temples."

The hon. the RAJA OF PANAGAL :—" I wish it were so."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" Therefore, Sir, I would suggest to the House that that argument need not be considered. On the other hand, what I would urge is this. If this question has really raised any divergence of opinion from all sections of the people and from all parts of the Presidency, is it or is it not wise that, in view of the coming elections, persons who take a real interest in this question should ascertain the views of the electorate? Are we, without hearing the views of the electorate, to state that in the coming elections people will be tempted to do all possible mischiefs, and that therefore we should avoid that issue being put before the country? I think that arguments, such as those advanced by the hon. the Minister, are not reasons which must induce the House to decline the postponement of this measure.

"Now, it has been pointed out that translations of this Bill have been published in some vernaculars, though not in all. The question is, when were they published? So far as I know, they were published in the main vernaculars in the *Gazette* of the 13th instant, and they must have reached the

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mufassal districts either on the 14th, 15th or the 16th instant. Hon. Members who are opposing the consideration of this Bill are not satisfied that the amount of time that has been allowed since the publication in the vernaculars is sufficient to give notice to all persons who know only their vernaculars, and who wish to take a real interest in questions like these. If hon. Members are not satisfied that the time allowed since the publication in the vernaculars has been sufficient, then they are quite justified in opposing this motion. I may also point out that, so far as the new Bill that has emerged from the Select Committee is concerned, there have been fundamental alterations made by the Select Committee upon which it is desirable that we should ascertain the views of the country.

"I do not want to go into the details of the Bill, but I wish to refer to certain particular portions. Let me take the case of excepted temples. Inasmuch as you have excepted in the report of the Select Committee certain temples whose trustees are wealthy zamindars, and because that distinction has been made, we find several amendments have been suggested for the purpose of increasing the number of excepted temples. This question of excepted temples has given rise to several motions and to petitions from those who are connected with the respective temples in order to have them excluded from the operation of this Bill. For instance, we have received representations from the Dikshitars of Chidambaram temple, the Udipi mutt, etc.; and in respect of all these you have to create a distinction, because in the report of the Select Committee it has been deliberately stated that, in view of certain wealthy landlords and zamindars who are making valuable contributions, and also for other reasons, it has been found necessary to exclude certain temples. Now we have got a multitude of amendments, about 800 in number, and suggestions have been made in them for excluding several temples on one ground or another. Can we honestly say, if we can come to a satisfactory conclusion, as to what temples are to be excluded and what not within the very short time that has been given to us to consider, in the face of the so many changes that have been made by the Select Committee? •

"Another thing that I wish to refer to is the question of the Central Board. It will be found that, so far as this question is concerned, there has been a divergence of opinion in the past. In the Bill of 1875 and 1876 there was a provision made for a Central Board. Subsequently when we came to Justice Muttuswami Ayyar's Committee on this matter, the idea of Central Board was given up; and they deliberately referred to the previous decisions for introducing a Central Board and held that, though there was something to be said in favour of the appointment of a Central Board, in the face of the directions of the Government of India to the contrary, they did not proceed with the question of Central Board. No doubt the Government of India have given their consent to the introduction of this Bill, but are we in a position to say that they have given their consent to the appointment of a Central Board? The hon. the Law Member has just told us in reply to an enquiry from one of the hon. Members of this House, that the Government of India has been addressed in the matter, but that they have not received any reply. He only referred to section 80-A of the Government of India Act and stated that there was nothing illegal in proceeding with this Bill, because it would not be invalidated on that account. That is not a point which I raise for the purpose of questioning the correctness of the ruling. It is a matter for consideration that the idea of the Central Board has been raised for the

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first time in the Select Committee. It is necessary, therefore, that we should ascertain the views of the people affected on this matter before we proceed with the Bill.

“Another point to which I wish to refer is this : that in the case of similar Bills, elaborate enquiries were held before they were actually introduced. In England they appointed a committee in 1813, and it was followed by a royal commission. Subsequent to that there was a Committee of the House of Commons and in this manner there were elaborate enquiries at every stage.”

The hon. the RAJA OF PANAGAL :—“We have had such enquiries during the last fifty years. Probably once in every five years.”

Rao Bahadur A. S. KRISHNA RAO PANTULU :—“I wish to point out that in other countries, there were full enquiries made in the case of the charitable Trusts Act and other such Acts before the Bills were passed. After the Act of 1863 was passed, we have had the Bill of Justice Muttuswami Ayyar's Committee, and other Bills. In all these committees except that a few changes were made, nothing more has been done. Then I ask my hon. friend whether any deliberate enquiry was made as to the history of these temples before the introduction of the Bill and what precautions have been taken in the case of excepted temples. We find in the provisions of the new Bill that the Committee or the Board to be appointed should frame a register and give full account. My point is that these enquiries should have been made and the information should have been made available to the public, before the Bill was brought forward.”

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—“It seems to me altogether unnecessary to examine the various provisions of the

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• Bill in a consideration of a motion for putting off this Bill. It seems to me altogether unnecessary to say that the Bill, as it has emerged from the Select Committee, is entirely a new Bill and has very little resemblance to the one which it has superseded. Sir, my hon. friend, the Minister, said that he looked in vain for an argument to convince him and he said that he was as little convinced as he was when the motion was made. Sir, it is very difficult to convince my hon. friend : it is an herculean task. The only gentlemen, so far as I know, who are adepts at convincing my hon. friend and his colleagues, are the gentlemen who support him in this House (hear, hear). The conviction or rather the conversion that seems to come from his own supporters always is a conviction which is very different from the one which comes from the opposite benches (hear, hear). My friend said that in all parliamentary assemblies the Opposition was generally looked to for the purpose of seeing whether a measure was reasonable or whether the Opposition that was offered to it was based upon substantial grounds. But here my hon. friend seems of course to be unconvinced. My hon. friends, Mr. Usman Sahib and Mr. Natesa Mudaliyar, are the gentlemen who certainly support that conviction in the minds of the Minister, but whether any convictions flow from those arguments is a matter for him to consider. I do not wish to say anything further as to the question whether any conviction can come from any arguments pressed by us. But, Sir, the suggestion made by my hon. friend for not acceding to our request is the strangest that I have heard from gentlemen who say that they are the representatives of the democracy. My hon. friend, the Minister, has made very grave reflections on the electorate of this Presidency. He said that gentlemen would abuse their trust, go about and tamper with the electors, and when some further opinion was sought

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to be elicited he said he wished it was not so, thereby confirming the reflections that he made on the electors. Their readiness to be tampered with seemed to be a settled conviction with my hon. friend."

The hon. the RAJA OF PANAGAL :—"There is a shade of difference between what my hon. friend states and what I said. What I said was that they would be tempted to tamper with the electorates. It does not necessarily mean that the people would allow themselves to be tampered with. An attempt may be made by those who are interested in seeing things go on as they do at present. I do not think there is much force in my hon. friend's criticism."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"My hon. friend is trying now to exculpate the charge made against them, and he wishes to confine the charge to those who are now abusing their trust, rather who are reported to be abusing their trust. Now, my friend is receding step by step from the position which he took up" (laughter).

The hon. the RAJA OF PANAGAL :—"I said those who are reported to be not very scrupulous in using trust funds."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"I did hear what my hon. friend said. Certainly I have no objection to what he said. He has to be doing so every now and then" (laughter).

The hon. the RAJA OF PANAGAL :—"I did say 'reported to be abusing the trust funds'."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"Well, all that I can say is that he charged both the electors and the tamperers. There is one issue apart from the result of the motion. If there is one issue which my hon. friend will submit as an issue of first-rate importance to the electorate, it is this question of the reform of religious endowments. My hon. friend is afraid to submit it to the electorate at the coming elections. I do not say we desire it. If that is his intention, I do not see why he should not do it. Well, Sir, having said that that is a very strange reason which he has advanced and that it is not at all one which should at any rate be convincing to the House, I only wish to make a few more remarks. Without the slightest desire to put off this much-needed reform longer than is needed, I think it is one of those cases which should be brought up at the next meeting of the Council. Whether it is in July, or in August, or in June, it is not a matter in which we are particularly interested. I should think that there is a general desire that this Bill should be bettered. We have many provisions which are entirely new, and it is all the more reasonable and necessary that those who will be affected by this Bill, either as trustees or personal worshippers, or as those who are interested in the religious institutions, should have a clear idea of the measure so that they may offer such criticisms as there may be as regards the provisions of this Bill. I think it is an essential thing which my hon. friend will have to look into. The Bill should not be considered as a party measure. We are anxious to see certain reforms in religious institutions. I venture to think that a measure of this importance, which has waited from 1863 and was reviewed by various committees, can as well wait for another two months or a month and a half. If my hon. friend would put on the statute book a measure which is being criticized, certainly he will have every reason to congratulate himself. But if he wishes, by opposing this motion, to rush this measure, it is certainly open to him to do so. As regards

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the competence of such a thing he knows that there are people with whose help he can rush through this Bill. I do not wish to make this a bone of contention and I therefore venture to think that my friend should see this matter in the light in which we have put before him."

Diwan Bahadur P. KESAVA PILLAI :—"I move that the Question be now put."

The motion for closure was put and carried.

The motion to take the Bill into consideration was put and carried. A poll was taken and the House divided as follows :—

Ayes.

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|---|---|
| 1. The hon. Sir Charles Todhunter. | 30. Mr. K. Sarabha Reddi. |
| 2. " Khan Bahadur Sir Muhammad Habib-ullah Sahib Bahadur. | 31. " W. P. A. Saundara Pandiya Nadar. |
| 3. " the Raja of Panagal. | 32. " R. K. Shanmukham Chettiyar. |
| 4. " Mr. A. R. Knapp. | 33. " K. Sitarama Reddi. |
| 5. " Mr. C. P. Ramaswami Ayyar. | 34. " T. Somasundara Mudaliyar. |
| 6. Mr. E. S. Lloyd. | 35. " S. Somasundara Pillai. |
| 7. " A. Y. G. Campbell. | 36. " P. Subbarayan. |
| 8. Rai Bahadur N. Gopalaswami Ayyangar. | 37. Diwan Bahadur K. Suryanarayanamurti Nayudu. |
| 9. Mr. C. Madhavan Nayar. | 38. Rao Bahadur C. Venkataranga Reddi. |
| 10. Diwan Bahadur T. N. Sivagnanam Pillai. | 39. Diwan Bahadur P. Kesava Pillai. |
| 11. Rao Sahib T. Thangavelu Pillai. | 40. Rao Bahadur C. V. S. Narasimha Raju. |
| 12. Mr. A. Ramaswami Mudaliyar. | 41. Diwan Bahadur R. Venkataatnam Nayudu. |
| 13. " C. Ramalinga Chettiyar. | 42. Mr. S. Muttumanickachari. |
| 14. " S. T. Shanmukham Pillai. | 43. " A. T. Palmer. |
| 15. Diwan Bahadur C. Arunachala Mudaliyar. | 44. " A. Ranganatha Mudaliyar. |
| 16. Rao Sahib S. Ellappa Chettiyar. | 45. Raja of Ramnad. |
| 17. Rao Bahadur P. C. Ethirajulu Nayudu. | 46. Qadiri Nava Khan Sahib Bahadur. |
| 18. " T. Balaji Rao Nayudu. | 47. Abbas Ali Khan Bahadur. |
| 19. Diwan Bahadur M. Krishnan Nayar. | 48. Muhammad Abdur Rahim Khan Sahib. |
| 20. Rao Bahadur O. Thanikachala Chettiyar. | 49. Khan Sahib Munshi Muhammad Abdur Rahiman Sahib. |
| 21. Mr. W. Vijayaraghava Mudaliyar. | 50. Mr. Saiyid Diwan Abdul Razaak Sahib. |
| 22. " K. A. Kandaswami Kandar. | 51. Khan Bahadur Muhammad Sadulla Badsha Sahib Bahadur. |
| 23. " B. Muniawami Nayudu. | 52. Mr. Haji Abdulla Sahib. |
| 24. " A. T. Muttukumaraswami Chettiyar. | 53. Rao Sahib M. C. Madura Pillai. |
| 25. " M. Narayanaswami Reddi. | 54. " P. Venkatarangayya. |
| 26. Rao Bahadur C. Natesa Mudaliyar. | |
| 27. Mr. V. Pakkiriswami Pillai. | |
| 28. " P. T. Rajan. | |
| 29. Rao Bahadur A. Ramayya Panja. | |

Noes.

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| 1. S. R. Y. Ankinedu Prasad Bahadur. | 11. Sriman Biswanath Das Mahasayo. |
| 2. Mr. M. Appalanarasaya Nayudu. | 12. Rai Bahadur T. Narasimhaacharu. |
| 3. Diwan Bahadur S. R. M. M. Pethachi Chettiyar. | 13. Rao Bahadur Dr. C. B. Rama Rao. |
| 4. Rao Bahadur K. Gopalakrishnayya. | 14. Rao Sahib U. Rama Rao. |
| 5. Mr. K. P. Gopala Menon. | 15. Sriman Sasibhushana Rath Mahasayo. |
| 6. " A. Thangavelu Nayar. | 16. Mr. R. Srinivas Ayyangar. |
| 7. Diwan Bahadur M. Ramachandra Rao. | 17. " M. R. Seturatnam Ayyar. |
| 8. Rao Bahadur A. S. Krishna Rao Pantulu. | 18. " K. Prabhakaran Lampan. |
| 9. Mr. P. Siva Rao. | 19. Diwan Bahadur Govindoss Chathurbujados. |
| 10. " M. Suryanarayana. | 20. Rao Bahadur T. Numberumal Chettiyar. |

Fifty-four voted for the motion and 20 against. The motion was carried.

The hon. the RAJA OF PANAGAL :—"Sir, I move that the further consideration of the Bill be adjourned to to-morrow morning. 1-30 p.m. There has been some delay in printing and circulating the amendments. They were circulated rather late last night and it would be convenient to hon. Members if the further consideration of the Bill is taken up to-morrow."

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The hon. Rai Bahadur K. VENKATAREDDI NAYUDU :—" I second the motion."

Mr. C. V. VENKATARAMANA AYYANGAR :—" Sir, I beg to move an amendment to the hon. Member's motion. I propose that instead of 'to-morrow' 'some day next week' be substituted. I did not want to take part in the last debate as I was doubtful as to what should be done in this matter. I was carefully watching for the reasons that might be given by both sides. I certainly expected very good suggestions or reasons from the hon. the Minister not only for opposing a long adjournment but also for immediately taking the Bill into consideration. No doubt he gave some reasons for not postponing it long. But one of those was the fresh elections. I have always admired his wisdom in using just the necessary words and also his wisdom in not using unnecessary words, and I wish in this connexion he had not used the words which he used regarding the elections. If really the opposing of this Bill is going to result in the fact that a lot of people are going to spend public money for the purpose of election . . ."

The hon. the PRESIDENT :—" I believe the hon. Member's proposal is to adjourn the further consideration of the Bill to some day next week, and the hon. the Minister's motion is to adjourn it to to-morrow morning. I think the hon. Member had better confine himself to the merits of these two proposals."

Mr. C. V. VENKATARAMANA AYYANGAR :—" I do not want a long adjournment. I want an adjournment for only one week. The Report of the Select Committee was given on the 12th. Several Members have added notes of dissent. We were asked to send our amendments before the 15th. There had hardly been any time to go through the report and send the amendments. Amendments are pouring in, as it were. Yesterday in the midnight we received one batch of amendments; a second batch we received this morning and a third batch just a while ago, and we are not sure whether there may not be a fourth batch. The hon. Member in charge of the Bill should realize that we have had no time to consider all these amendments. There was hardly any time to study all this before we came to the House. We have already two volumes of matter connected with this Bill and to-day we have got another volume, and this volume takes us into the history half a century back. Are we not to read all this before we deal with this Bill? Is it not expected that we should read all these? It may be said that it is the decision of the House. But the decision of the House is the decision of the party in power; the decision of the party is the decision of the leaders and the decision of the leaders is the decision of the Minister in charge. Then, we are all unnecessary. The speeches that we make should be reasonable. Again, there is one amendment regarding the Chidambaram temple. The amendment may be perfectly relevant. But should we not go through the various clauses carefully and see whether these amendments are reasonable or not? Is not the hon. Minister himself to see that some of these amendments at least are carefully gone through and considered and then decided upon? If the considered opinion of the House is wanted, it is necessary that some time should be given to the House. Many hon. Members know how they have been bombarded with petitions and prayers after the Bill was published in the vernaculars. The hon. Member in charge of the Bill knows how many people have appealed to him. My hon. friend, Mr. Ramaswami Mudaliyar, and other hon. Members know how they have been bombarded as regards the Chidambaram and Tirupati

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temples. Various suggestions are still coming in. I think that in this case the six days' time for amendments should not be adhered to. I, therefore, suggest that the Bill may be taken up some day next week so that, in the meanwhile, we may be able to go through the voluminous record. We may consult among ourselves and see what amendments will be more reasonable and may be moved, and we may eliminate some by mutual consent. This would save the time of the Council to a great extent. I don't want that amendments should be moved unnecessarily. Therefore, if really any reasonable and serious discussion is wanted, I think this Bill should be taken up some day next week. This is a very reasonable request and I do not think the hon. Minister will have any objection to it."

Sriman BISWANATH DAS Mahasaya:—"I second the amendment."

The hon. the RAJA OF PANAGAL:—"I have no objection to adjourn the further consideration to Monday morning."

The motion to adjourn further consideration of the Bill to Monday morning was put and carried unanimously.

The Council adjourned at 1-45 p.m. to meet again at 11 a.m. on Monday, the 26th March 1923.

L. D. SWAMIKANNU,
Secretary to the Legislative Council.

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TRUTH ALONE TRIUMPHS